



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EJK:NR
F.#2011R00933

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 17, 2011

By Electronic Mail

John T. Riely, Esq.
4405 East West Highway, Suite 601
Bethesda, Maryland 20814

Re: United States v. Macello Capone
Criminal Docket No. 11-CR-456 (ENV)

Dear Mr. Riely:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, this letter provides additional discovery in the above-referenced matter in response to your request for discovery.

When your client was arrested on May 24, 2011, an officer from Customs and Border Protection began to advise Mr. Capone of his Miranda rights. As the officer was doing so, Mr. Capone stated that his mother-in-law had filled out the "ESTA." The officer instructed Mr. Capone to stop speaking so that the officer could finish advising Mr. Capone of his rights. When the officer finished advising Mr. Capone of his rights, Mr. Capone indicated his wish to speak with a lawyer and did not make any additional statements.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/
Nathan Reilly
Assistant U.S. Attorney
(718) 254-6196

cc: Clerk of Court (by ECF & without enclosures)